

DESHMUKH, A., et al.

Appl. No. 10/665,410

March 1, 2005

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The listing of references in the specification was intended merely to provide interesting background information. It is not believed to be of any greater interest than the prior art already cited by the Examiner on Form PTO-892. Nevertheless, a Form PTO-1449 is attached with all US patent documents cited thereon for the Examiner's consideration. The IDS fee for this stage of prosecution is also attached.

In response to the rejections of claims 3 and 4 under 35 U.S.C. §112, second paragraph, these claims have been amended so as to avoid the alleged indefiniteness.

The finding of allowable subject matter at dependent claims 5-7 is appreciatively noted. As will be recognized, the limitations of allowable dependent claim 5 have now been incorporated in independent claim 1 thus leaving all remaining claims 1-4 and 6-10 in allowable form for at least this reason alone.

The rejection of claims 1, 2, 9 and 10 under 35 U.S.C. §103 as allegedly being made "obvious" based on Horwell et al. '942 is respectfully traversed.

In view of the above amendment, this ground of rejection has been mooted and it is not believed necessary at this time to further detail all of the reasons for the applicant's traversal. However, it is noted that the Examiner has admitted differences between the applicant's claimed invention and Horwell teaching and then merely alleged, without any support, that for some reason those of ordinary skill in the art would have been motivated to modify this prior art

DESHMUKH, A, et al.
Appl. No. 10/665,410
March 1, 2005

process to make it more convenient, etc. Of course, the fact is that the cited prior art reference did not find it “obvious” to make such modifications and the Examiner’s unsupported “suggestion” for doing so does not suffice to make even a *prima facie* showing of “obviousness” under 35 U.S.C. §103.

The rejection of claims 3 and 4 under 35 U.S.C. §103 based on Horwell in view of Eckert and the rejection of claim 8 under 35 U.S.C. §103 also based on Horwell and now in further view of Bonnard ‘590 are also respectfully traversed.

As already noted, all these grounds of rejections have now been mooted by the above amendment. Furthermore, the deficiencies of the primary Horwell ‘942 reference are not remedied by the cited secondary references nor is there any documented teaching in any of these references of any “suggestion” to make the modifications proposed by the Examiner.

In any event, this entire application is now believed to be in allowable condition for at least the reason that allowable dependent claim 5 has now been incorporated in independent claim 1.

Accordingly, a formal Notice to this effect is respectfully solicited.

DESHMUKH, A. et al.

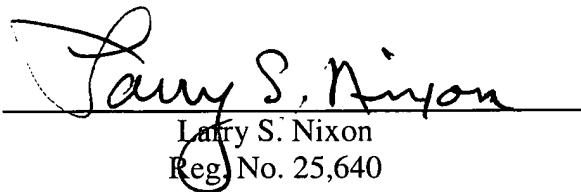
Appl. No. 10/665,410

March 1, 2005

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


Larry S. Nixon
Reg. No. 25,640

LSN:vc

1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100